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10/672,106	09/26/2003	Rami Caspi	2003P08211US	7727

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EXAMINER	
MARSH, OLIVIA MARIE	
ART UNIT	**PAPER NUMBER**
2686	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,106	CASPI ET AL.	
	Examiner	Art Unit	
	Olivia Marsh	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/26/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "administrative device" in line 2. There is insufficient antecedent basis for this limitation in the claim. The Examiner will apply prior art as if this language was in the parent claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-5, 7-11, 14-17, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Murray (U.S. 6,484,033 B2).**

As to **claim 1**, Murray discloses an invention related to wireless communication systems for schedule management through communication to one or more wireless communication devices (column 1, lines 7-10). Murray also discloses a wireless communication system 10 comprising a wireless communication device 32, reading on claimed "telecommunication device," which possesses a device management application 108, reading on claimed "positioning controller," that determines the current location 122 based on the plurality of signals 81 in the device memory 100 (column 8, lines 50-53), reading on claimed "adapted to determine positioning information for said telecommunication device." Murray also discloses a further operation of the device event management application 108 when the predetermined action is to place a call to the event contact person based on the location of the wireless communication device 32 (column 12, lines 58-62): In Step 184, the travel time 173 is then calculated to determine how long it will take to get to the event location 134. In Step 184, the travel time 173 (see FIG. 4) is then compared to the alert setting 175 to check that the limit 177 has been reached, *reading on claimed "predetermined range."* If the limit 177 has not been reached, the process returns to Step 176. The process continues to Step 186 when the limit has been

reached, and the device event management application 108 sends the application response 118 to the device processor 98, reading on claimed "a wireless communications controller adapted to receive said positioning information from said positioning controller," to initiate an alert to the device user 68 (column 13, lines 8-15) and the alert 103 can be audible, vibratory, or visual (column 8, line 67), reading on claimed "a wireless communications controller adapted to receive said positioning information from said positioning controller and cause an audible alarm to be generated if said telecommunications device is determined to be out of a first predetermined range."

As to **claim 2**, Murray discloses everything as applied in claim 1 and Murray further discloses in Step 192, the travel time 173 is compared to the alert setting 175 to check that the limit 177 has been reached, reading on claimed "predetermined period." When the limit 177 has not been reached, the process returns to Step 188. The process continues to Step 194 when the limit 177 has been reached, and the device event management application 108 sends the application response 118 to the device processor 98 to initiate a call or send a message to the contact phone number 238 of FIG. 10 of a backup wireless device, reading on claimed "associated administrative device," and this call or message, for example, notifies the contact person that the device user 68 will either be late for the event or will not be able to make it (column 13, lines 20-31), reading on claimed "wireless communications controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunications device is determined to be outside said first predetermined range for longer than a predetermined period."

As to **claim 3**, Murray discloses everything as applied in claim 1 and Murray further discloses in Step 192, the travel time 173 is compared to the alert setting 175 to check that the limit 177 has been reached, reading on claimed "second predetermined range." When the limit

177 has not been reached, the process returns to Step 188. The process continues to Step 194 when the limit 177 has been reached, and the device event management application 108 sends the application response 118 to the device processor 98 to initiate a call or send a message to the contact phone number 238 of FIG. 10 of a backup wireless device, reading on claimed "associated administrative device," and this call or message, for example, notifies the contact person that the device user 68 will either be late for the event or will not be able to make it (column 13, lines 20-31), reading on claimed "wireless communications controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunications device is determined to be outside a second predetermined range."

As to **claim 4**, Murray discloses everything as applied in claim 1 and he further discloses the GPS receiver 79 receives signals 81 broadcasted from a GPS system 77 and the device processor 98 processes the received signals 81 to calculate the location of the wireless communication device 32 (column 8, lines 38-42) and the current location 122 can be determined from the processing of the plurality of signals 81 in the device memory 100 for later use by the device event management application 108 (column 8, lines 50-53), reading on claimed "said positioning controller receives global positioning system signals to determine said positioning information."

As to **claim 5**, Murray discloses everything as applied in claims 1 and 4 and Murray further discloses the wireless communication system 10 can function utilizing any wireless RF channel, including a mobile cellular telephone channel (column 4, lines 1-2) and the device processor 98 processes messages from the system (column 6, lines 5-7), reading on claimed "wireless communications controller is a cellular telephone controller."

As to **claim 7**, Murray discloses everything as applied in claim 1 and Murray also discloses the event information 120 includes an event time 132, an event location 134, one or

more event criteria parameters 129, and event backup information 136 (column 6, lines 35-37); and the event criteria parameters 129 can include, for example, a travel time 173, an alert setting 175, and a limit 177 which is a predetermined algorithm, a time of day for example, within the alert setting 175 (column 6, lines 49-55), reading on claimed "predetermined range includes a geographic, date, daily routine, and time-of-day ranges."

As to **clam 8**, Murray discloses everything as applied in claim 1 and Murray also discloses in Step 140, the wireless communication device 32 receives the event information 120 including the event time 132, the event location 134, the event backup information 136, and the event criteria parameters 129 (column 11, lines 8-15) and in Step 146, the event information 120 is passed from the device memory 100 to the device event management application 108 (column 11, lines 21-23), reading on claimed "positioning controller is adapted to receive predetermined range information via said wireless communications controller."

As to **claim 9**, Murray discloses an invention related to wireless communication systems for schedule management through communication to one or more wireless communication devices (column 1, lines 7-10). Murray also discloses a wireless communication system 10, reading on claimed "telecommunication system," comprising a wireless communication device 32, reading on claimed "wireless device," which possesses a device management application 108, reading on claimed "positioning controller," that determines the current location 122 based on the plurality of signals 81 in the device memory 100 (column 8, lines 50-53). Murray also discloses a further operation of the device event management application 108 when the predetermined action is to place a call to the event contact person based on the location of the wireless communication device 32 (column 12, lines 58-62): In Step 184, the travel time 173 is then calculated to determine how long it will take to get to the event location 134. In Step 184, the travel time 173 (see FIG. 4) is then compared to the alert setting 175 to check that the limit

177 has been reached, *reading on claimed "predetermined range."* If the limit 177 has not been reached, the process returns to Step 176. The process continues to Step 186 when the limit has been reached, and the device event management application 108 sends the application response 118 to the device processor 98, reading on claimed "communications controller," to initiate an alert to the device user 68 (column 13, lines 8-15) and the alert 103 can be audible, vibratory, or visual (column 8, line 67), reading on claimed "a wireless device including a positioning controller and a communications controller, said wireless device adapted to cause an audible warning to be generated if said wireless device is determined to be outside a first predetermined range." Murray further discloses in Step 192, the travel time 173 is compared to the alert setting 175 to check that the limit 177 has been reached, reading on claimed "predetermined period," and when the limit 177 has not been reached, the process returns to Step 188. The process continues to Step 194 when the limit 177 has been reached, and the device event management application 108 sends the application response 118 to the device processor 98 to initiate a call or send a message to the contact phone number 238 of FIG. 10 of a backup wireless device, reading on claimed "associated administrative device," and this call or message, for example, notifies the contact person that the device user 68 will either be late for the event or will not be able to make it (column 13, lines 20-31), reading on claimed "an administrative device for receiving alerts from said wireless communication device via said communications controller when said positioning controller determines that said wireless device is outside said first predetermined range for longer than a predetermined period or is outside said first predetermined range and a second predetermined range."

As to **claim 10**, Murray discloses everything as applied in claim 9 and he further discloses the GPS receiver 79 receives signals 81 broadcasted from a GPS system 77 and the device processor 98 processes the received signals 81 to calculate the location of the wireless

communication device 32 (column 8, lines 38-42) and the current location 122 can be determined from the processing of the plurality of signals 81 in the device memory 100 for later use by the device event management application 108 (column 8, lines 50-53), reading on claimed "said positioning controller receives global positioning system signals for determining a position of said wireless communications device."

As to **claim 11**, Murray discloses everything as applied in claims 9 and 10 and Murray further discloses the wireless communication system 10 can function utilizing any wireless RF channel, including a mobile cellular telephone channel (column 4, lines 1-2) and the device processor 98 processes messages from the system (column 6, lines 5-7), reading on claimed "communication controller comprises a cellular network controller for transmitting on a cellular telephone network to said administrative device."

As to **claim 14**, Murray discloses an invention related to wireless communication systems for schedule management through communication to one or more wireless communication devices (column 1, lines 7-10). Murray also discloses a wireless communication system 10 comprising a wireless communication device 32, reading on claimed "wireless device," which possesses a device management application 108 that determines the current location 122 based on the plurality of signals 81 in the device memory 100 (column 8, lines 50-53). Murray also discloses a further operation of the device event management application 108 when the predetermined action is to place a call to the event contact person based on the location of the wireless communication device 32 (column 12, lines 58-62): In Step 184, the travel time 173 is then calculated to determine how long it will take to get to the event location 134. In Step 184, the travel time 173 (see FIG. 4) is then compared to the alert setting 175 to check that the limit 177 has been reached, *reading on claimed "first predetermined range."* If the limit 177 has not been reached, the process returns to Step 176. The process continues to Step

186 when the limit has been reached, and the device event management application 108 sends the application response 118 to the device processor 98 to initiate an alert to the device user 68 (column 13, lines 8-15) and the alert 103 can be audible, vibratory, or visual (column 8, line 67), reading on claimed "generating an audible warning if said wireless device is determined to be outside said first predetermined range." Murray also discloses the device event management application 108 can be hard coded or programmed into the wireless communication device 32 during manufacturing, can be programmed over-the-air upon customer subscription, or can be a downloadable application (column 7, lines 44-48), reading on claimed "programming said wireless device to be in a first predetermined range." Murray further discloses the wireless communication device 32 can be a mobile cellular telephone having an attached data terminal (column 4, lines 14-15), reading on claimed "affixing a wireless device to a predetermined object."

As to **claim 15**, Murray discloses everything as applied in claim 14 and Murray further discloses in Step 192, the travel time 173 is compared to the alert setting 175 to check that the limit 177 has been reached, reading on claimed "predetermined period." When the limit 177 has not been reached, the process returns to Step 188. The process continues to Step 194 when the limit 177 has been reached, and the device event management application 108 sends the application response 118 to the device processor 98 to initiate a call or send a message to the contact phone number 238 of FIG. 10 of a backup wireless device, reading on claimed "administrative device," and this call or message, for example, notifies the contact person that the device user 68 will either be late for the event or will not be able to make it (column 13, lines 20-31), reading on claimed "transmitting one or more alerting signals to an administrative device when said wireless device is determined to be outside said first predetermined range for longer than a predetermined period."

As to **claim 16**, Murray discloses everything as applied in claim 14 and Murray further discloses in Step 192, the travel time 173 is compared to the alert setting 175 to check that the limit 177 has been reached, reading on claimed "second predetermined range." When the limit 177 has not been reached, the process returns to Step 188. The process continues to Step 194 when the limit 177 has been reached, and the device event management application 108 sends the application response 118 to the device processor 98 to initiate a call or send a message to the contact phone number 238 of FIG. 10 of a backup wireless device, reading on claimed "associated administrative device," and this call or message, for example, notifies the contact person that the device user 68 will either be late for the event or will not be able to make it (column 13, lines 20-31), reading on claimed "transmitting one or more alerting signals to an administrative device when said wireless device is determined to be outside a second predetermined range."

As to **claim 17**, Murray and well known prior art teach everything as applied in claim 14 and Murray further discloses that the wireless communication device 32, the backup wireless communication device 47, and the second backup wireless communication device 42 in accordance with the present invention, can be a mobile cellular telephone, a mobile radio data terminal, a mobile cellular telephone having an attached data terminal, or a two way pager (column 4, lines 10-16), reading on claimed "administrative device comprises a telephony device."

As to **claim 20**, Murray discloses everything as applied in claims 14 and 16 and Murray also discloses the event information 120 includes an event time 132, an event location 134, one or more event criteria parameters 129, and event backup information 136 (column 6, lines 35-37); and the event criteria parameters 129 can include, for example, a travel time 173, an alert setting 175, and a limit 177 which is a predetermined algorithm, a time of day for example,

within the alert setting 175 (column 6, lines 49-55), reading on claimed "first and second predetermined ranges are associated with at least one of geographic range, daily routine, time-of-day range, or date range."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray as applied to claim 1 above, and further in view of well known prior art (MPEP 2144.03).

As to **claim 6**, Murray discloses everything as applied in claims 1 and 4 and Murray further discloses the wireless communication system 10 can function utilizing any wireless RF channel, including a mobile cellular telephone channel or a mobile radio channel (column 4, lines 1-2) and the device processor 98 processes messages from the system (column 6, lines 5-7).

However, Murray fails to specifically disclose the wireless communications controller is a personal communications service controller. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention to use PCS communications on a mobile radio channel.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunication device and wireless communications controller, disclosed by Murray, the wireless communications controller is a personal communications service controller, as taught by well known prior art, to enable the mobile user to communicate with other mobile devices serviced by a PCS communication system.

5. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray as applied to claim 9 above, and further in view of well known prior art (MPEP 2144.03).

As to **claim 12**, Murray discloses everything as applied in claim 9 and he further discloses the device event management application 108 sends the application response 118 to the device processor 98 to initiate a call or send a message to the contact phone number 238 of FIG. 10, which is the predetermined contact person for the event and this call or message notifies the contact person that the device user 68 will either be late for the event, reading on claimed "location information," or will not be able to make it (column 13, lines 25-31).

However, Murray fails to specifically disclose the administrative device is adapted to display location information when said wireless device is determined to be outside said second predetermined range. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention to display the content of messages received by a mobile device on the mobile device's display in inform the mobile user of the content of the message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunication system and administrative device, disclosed by

Murray, the administrative device is adapted to display location information when said wireless device is determined to be outside said second predetermined range, as taught by well known prior art, to display to the backup device contents of an alert sent to the backup device.

As to **claim 13**, Murray discloses everything as applied in claim 9 and well known prior art teaches everything as applied in claim 12; and Murray further discloses the event information 120 includes an event time 132, an event location 134, one or more event criteria parameters 129, and event backup information 136 (column 6, lines 35-37); and the event criteria parameters 129 can include, for example, a travel time 173, an alert setting 175, and a limit 177 which is a predetermined algorithm, a time of day for example, within the alert setting 175 (column 6, lines 49-55), reading on claimed "predetermined range is associated with one or more of a geographic, date, daily routine, and time-of-day range."

6. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray as applied to claims 14 and 16 above, and further in view of well known prior art (MPEP 2144.03).

As to **claim 18**, Murray discloses everything as applied in claims 14 and 16 and Murray further discloses the device processor 98 and the change notification message 54 is sent to the wireless communication system 10 via the device transmitter 94; then the wireless communication system 10 transmits the change notification message 54 via the RF transmitter 26 to the backup wireless communication device 47 (column 15, lines 24-26) and the change notification message 54 can be a data message (column 3, line 62-63).

However, Murray fails to specifically teach the one or more alerting signals comprise one or more email signals. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention to send email messages containing text between mobile devices in order to convey information between the mobile users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and alert signals, disclosed by Murray, to be email signals, as taught by well known prior art, to enable the mobile user unable to attend a event to easily and efficiently provide a backup mobile user all of the pertinent information regarding such an event to enable the backup user to possibly attend the event.

As to **claim 19**, Murray discloses everything as applied in claims 14 and 16 and Murray further discloses the device processor 98 and the change notification message 54 is sent to the wireless communication system 10 via the device transmitter 94; then the wireless communication system 10 transmits the change notification message 54 via the RF transmitter 26 to the backup wireless communication device 47 (column 15, lines 24-26) and the change notification message 54 can be a data message (column 3, line 62-63).

However, Murray fails to specifically teach the one or more alerting signals comprise one or more Instant Messaging signals. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention to send Instant Messages between mobile devices in order to quickly convey information between the mobile users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and alert signals, disclosed by Murray, to be Instant Messaging signals, as taught by well known prior art, to enable the mobile user unable to attend a event to

quickly provide a backup mobile user all of the pertinent information regarding such an event to enable the backup user to possibly attend the event.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.[1]

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

[1] On July 15, 2005, the Central Fax number will change to 571-273-8300. This new Central Fax number is the result of relocating the Central Fax server to the Office's Alexandria, VA campus.